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03/01/2005 12:15 PM

To Lorna Jereza/R5/USEPA/US@EPA
cc Graciela Scambiaterra/R5/USEPA/US@EPA
bcc

Subject BRP US Inc. response letter extension

Lorna:

Thank you for returning my call on behalf of BRP US Inc., and agreeing to allow them until this Friday, March 4, 2005 to send their response to your February 7, 2005 RCRA Information request. I understand that Ms. Scambiaterra has been on military training; we will direct BRP US's response and any further inquiries to her.

Thank you for your consideration!

Tom

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO: **DE-9J** ATTENTION OF:

Date:

Subject: Denial of Referral
Bombardier Recreational Products, Inc.

From: Lorna M. Jereza, Chief *Ling*
Compliance Section 1, Enforcement & Compliance Assurance Branch

Through: Joseph M. Boyle, Chief
Enforcement & Compliance Assurance Branch

To: Jose G. Cisneros, Chief
Waste Management Branch

On or about July 22, 2004, ECAB received a referral from your office concerning Bombardier Recreational Products, Inc. (BRP) and the property BRP purchased from Outboard Marine Company (OMC) in March 2001. The referral outlined that ECAB should perform a RCRA inspection to determine BRP's current use and regulatory status at the site, as well as to determine what responsibility BRP has to clean close a permitted container storage area left by OMC. In addition, the referral made allegations that BRP failed to inform the U.S. EPA that they were the new owners of the bankrupt OMC site. Furthermore, the referral alleges that Trichloroethylene (TCE) contamination has been detected by Region 5's Superfund Division at a monitoring well near the south plant (alleged property purchased by BRP) and may be due to releases from this plant.

On December 6, 2004, an ECAB inspector performed a compliance evaluation inspection at BRP. On February 7, 2005, my office sent BRP a 3007 Information Request asking BRP to provide ownership transfer documents from the 2001 sale/purchase of this property, in addition to other inquiries.

Based on the information from the inspection and documents submitted by BRP, we have determined that BRP does not own the property where the permitted container storage area was located. Therefore, BRP has no responsibility to clean close that permitted container storage area. In addition, BRP provided a copy of the EPA Form 8700-12, *Notification of Regulated Waste Activity*, which was submitted by BRP, and received by the U.S. EPA, Region 5 on August 22, 2001. This form outlined that BRP was the new owner of the property on 300 Sea Horse Drive, Waukegan, Illinois 60085, as opposed to OMC's address at 200 Sea Horse Drive, Waukegan, Illinois 60085. If you feel that BRP

fraudulently gave or withheld information to obtain a separate generator ID, please coordinate with the Criminal Investigative Division on this matter. Furthermore, we believe that there should be coordination with Superfund Division on the TCE contamination issue.

If you have any questions, please feel free to contact Graciela Scambiaterra, of my staff, at (312) 353-5103. Thank you.